

WILLIAM WHITE,)	3:06-CV-198-BES-VPC
)	
Plaintiff,)	
)	ORDER
v.)	
)	
JO ANNE BARNHART,)	
)	
Defendant.)	

1. DISCUSSION

¹ For an objection to be timely, a party must serve and file it within 10 days after being served with the magistrate judge's report and recommendation. 28 U.S.C. § 636(b)(1) (2005).

1 required to conduct "any review at all . . . of any issue that is not the subject of an objection."
2 Id. at 149. Similarly, the Ninth Circuit has recognized that a district court is not required to
3 review a magistrate judge's report and recommendation where no objections have been filed.
4 See United States v. Reyna-Tapia, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard
5 of review employed by the district court when reviewing a report and recommendation to which
6 no objections were made); see also Schmidt v. Johnstone, 263 F.Supp. 2d 1219, 1226 (D.
7 Ariz. 2003) (reading the Ninth Circuit's decision in Reyna-Tapia as adopting the view that
8 district courts are not required to review "any issue that is not the subject of an objection.").
9 Thus, if there is no objection to a magistrate judge's recommendation, then this Court may
10 accept the recommendation without review. See e.g., Johnstone, 263 F.Supp. 2d at 1226
11 (accepting, without review, a magistrate judge's recommendation to which no objection was
12 filed).

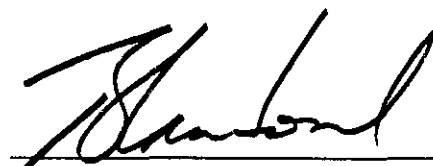
13 In this case, the parties have not filed an objection to the Magistrate Judge's Report and
14 Recommendation. Because no objections were filed, this Court is not required to review the
15 Report and Recommendation, and therefore accepts it. Accordingly,

16 IT IS THEREFORE ORDERED that the Magistrate Judge's Report and
17 Recommendation (#13) entered on February 8, 2008, is adopted and accepted without
18 modification. Thus, in accordance with the Report and Recommendation

19 IT IS FURTHER ORDERED that Plaintiff's Motion for Reversal (Doc #9) is GRANTED,
20 and Defendant's Cross Motion for Affirmance of the Commissioner's Decision (Doc #12) is
21 DENIED. This action is REVERSED and REMANDED. The Clerk of the Court shall enter
22 judgment accordingly.

23 IT IS SO ORDERED.

24 DATED: This 17th day of March, 2008.

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UNITED STATES DISTRICT JUDGE